

ORDINANCE NO. 11-47

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 78 ENTITLED "SOLID WASTE", ARTICLE I. IN GENERAL, BY REVISING HIALEAH CODE § 78-5 ENTITLED "REMOVAL OF WASTE BY PRIVATE AGENCIES" AND IN PARTICULAR, PROVIDING AN ANNUAL FRANCHISE FEE OF \$1,500.00 PLUS 21 PERCENT OF COLLECTED GROSS RECEIPTS EFFECTIVE JANUARY 1, 2012 AND SUBSEQUENT YEARS THEREAFTER; REPRESENTING AN INCREASE FROM 18 PERCENT TO 21 PERCENT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the purpose and intent of this ordinance is for the health, safety and welfare, order, aesthetics, good governance and proper regulation of the City and its residents; and

WHEREAS, the specific purpose and intent of this ordinance is to amend the franchise fees charged to private waste haulers operating within city limits to increase the fee component based on percentage of gross receipts from 18% to 21% of gross receipts within a revenue range as other municipalities and Miami-Dade County, when considered in connection with the base franchise fee and percentage of gross receipts.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 78 entitled " Solid Waste" of the Code of Ordinances of the City of Hialeah, Florida is hereby amended, by revising Hialeah Code § 78-4 entitled "Removal of waste by private agencies" to read as follows:

Chapter 78

SOLID WASTE**ARTICLE I. IN GENERAL**

* * *

Sec. 78-5. Removal of waste by private agencies.

* * *

(c) Effective July 1, 2008, all private waste haulers operating within city limits shall be required to pay a franchise fee of \$1,500.00 for each year plus 8 percent of the nonexclusive franchisee's quarterly gross receipts collected of accounts serviced within the city. The percentage of gross receipts fee shall increase to 12 percent of quarterly gross receipts collected effective July 1, 2009, increase to 15 percent of quarterly gross receipts collected effective July 1, 2010, increase to 18 percent of quarterly gross receipts collected effective July 1, 2011, increase to 21 percent of quarterly gross receipts collective effective January 1, 2012 and continue at ~~18~~21 percent of quarterly gross receipts collected each year thereafter. The franchisee shall, on or before 30 days following the end of each quarter, deliver to the city a true and correct statement of gross receipts collected during the previous quarter along with payment. Notwithstanding the accounting year used by the franchisee, the quarters end on March 31, June 30, September 30, and December 31 of each year. This franchise fee is not applicable to open top roll offs, which fees are set forth in article VIII herein. A late fee of one and one-half percent for the first month shall be imposed if payment is not received by the tenth day of the next month that follows the month that the quarterly payment is due. For each month of nonpayment thereafter, the one and one-half percent late fee shall be imposed.

* * *

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

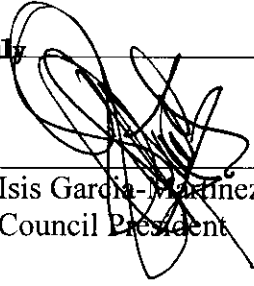
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

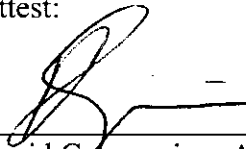
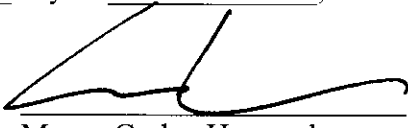
PASSED and ADOPTED this ~~26th~~ day of July, 2011.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Isis Garcia-Martinez
Council President

Attest:

Approved on this ____ day of ____, 2011.


David Concepcion, Acting City Clerk
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

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Ordinance was adopted by a 6-0 vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Hernandez and Yedra voting "Yes", Councilmember Gonzalez absent.

City Private Hauler Fees

	Hialeah	Miami Beach	Miami	South Miami
Source:	Ray Zamora	Tamika Clear	Steven Margolis	Grady
Occupational License Fee	\$500.00 per Hauler per year	\$ 571.00 per Hauler per year	N/A	\$5,000.00
Quarterly Franchise Fee Gross Receipts	18% Quarterly Non-Exclusive (2)	Monthly 18% with option of raising	Monthly 24% Non Exclusive	Non exclusive. 20% gross receipts.
Annual Franchise Fee	\$1,500 per Hauler	N/A	\$5,000.00 per Hauler (1)	N/A
Per Truck Fee	\$43.75 per Truck	N/A	N/A	N/A

(1) Fee will increase by \$500 on Oct 1st throughout term agreement 2012	(2) 18% Quarterly Non-Exclusive begins July 1st
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Hollywood	Miami Dade County
Felicia Andrew	Website
\$2,000	\$600.00 Annual Fee
Non exclusive- 20% gross receipts	Non exclusive- 15% gross receipts
N/A	N/A
N/A	\$70.00 per Truck Fee